

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES A. WILSON, ANTHONY MORRIS,  
DARUS YOUNG, ELDON POTTS, JERRY  
WESTON, DERECK STONE, ROBERT OXFORD,  
RODERICK BROWN, SAMUEL JONES,  
FRANK WILLIAMS, DEDRICK CHASE,  
JEROME GREEN, ANTONIO FRISBY,  
JOSE SERPA, BRAIN BRISCOE, GEORGE  
A. JACKSON, H. RICHARDS, GILBERT  
WILLIAMS, NORMAN DESHIELDS, CHARLES  
QUILLEN, TIM SOODAIN, KEVIN SPIVEY,  
DE'SHAWN SMITH, HOWARD PARKER, KENDALL  
REED, JAMES JOHNSON, SHAUN LEE,  
CHARLES B. SANDERS, NATHAN HENRY,  
and PEDRO CINTRA, on Behalf of Them-  
selves And All Others Similarly Situated  
at the Sussex Correctional Institution,  
Georgetown, Delaware.

Plaintiffs

v.

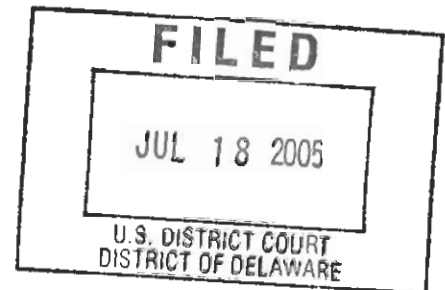
STANLEY TAYLOR, Individually and in  
His Official Capacity as Commissioner  
of Department of Corrections, RICK KEARNEY,  
Individually and in His Official Capacity as  
Warden of the Sussex Correctional Institution  
and the DELAWARE DEPARTMENT OF CORRECTIONS.

Defendants.

CLASS ACTION

AMENDED COMPLAINT

Civil Action No. 05-399-JJF



CLASS CERTIFICATION MOTION

1. The named Plaintiffs seek to maintain this action on behalf of themselves and all others similiary situated pursuant to Rules 23(a) and 23(b) of the Federal Rules of Civil Procedure. They seek to represent a class of all individuals who were previously, are now, or in the future will be confined in the Sussex Correctional Institution. Plaintiffs represent a class of person who have been and, in absence of relief, will be treated in the manner set forth below. As a result of such treatment, the members of the class are, and will be, subjected to denial of equal protection and deprived of fundamental constitutional rights. Plaintiffs therefore seek declaratory and injunctive relief to eliminate Defendants'

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conduct, policies, and practices which deprive them of those rights.

2. There are approximately 1,600 sentenced prisoners and pretrial detainees at any time at the Sussex Correctional Institution. Majority of the prisoners and detainees are black. The class is so numerous that joinder of all members is impractical.

3. There are questions of law and fact common to the class, including whether unequal treatment is justified by the Department of Corrections described in Plaintiffs Amended Complaint(Class Action).

4. The claims of the Plaintiffs are typical of the claims of the class. The named Plaintiffs include black prisoners currently incarcerated at the Sussex Correctional Institution.

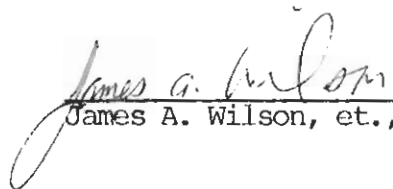
5. Plaintiff will fairly and adequately represent and protect the interest of the class.

6. PLRA repeals the joinder provisions of the Federal Rules for prisoners and every prisoner has to file a seperate lawsuit. Multiple plaintiffs are allow to split the filing fee. In fact, the PLRA states that "in no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action." 28 U.S.C. § 1915. Plaintiffs has paid the filing fee.

7. The Defendants have acted and refused to act on grounds generally applicable to class, therefore making appropriate final injunctive relief with respect to the class as a whole.

DATED:

7/14/15

  
James A. Wilson, et., al.



I/M: James Wilson BLDG. Medit/East  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
GEORGETOWN, DELAWARE 19947

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